

EUROPEAN PARLIAMENT

2004



2009

Session document

FINAL
A6-0140/2005

10.5.2005

REPORT

on the protection of minorities and anti-discrimination policies in an enlarged
Europe
(2005/2008(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Claude Moraes

CONTENTS

Page	MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION	3
	OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS.....	17
	OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION.....	20
	OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY	22
	PROCÉDURE	25

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the protection of minorities and anti-discrimination policies in an enlarged Europe (2005/2008(INI))

The European Parliament,

- having regard to Articles 6 and 7 of the EU Treaty, which set out the objectives of developing the Union as an area of freedom, security and justice and giving effect to the principles of liberty, democracy, the protection of fundamental rights and the rule of law,
- having regard, in particular, to Article 13 of the EC Treaty, which sets out the task of the Community to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation, to Article 63 of the EC Treaty, which establishes the framework of asylum and immigration policy within which the integration of third-country nationals is promoted and to the other legal bases for Union action in this domain,
- having regard to the Treaty establishing a Constitution for Europe, which further develops the current *acquis*, especially through the inclusion of the Charter for Fundamental Rights, thereby bringing the concept of fundamental rights to even greater prominence¹,
- having regard to Article I-14 of the Constitutional Treaty, which lays down the areas of shared competence and which thus confers on the EU responsibilities in the area of freedom, security and justice, including human rights, and bearing in mind that minority rights are a key element in general human rights,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin², Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation³ and Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions⁴,

¹ Once the Treaty establishing a Constitution enters into force, the term 'minorities' will for the first time appear in primary law, in two provisions: Article 21 of the Charter (Art. II-81 of the Constitution), which forbids all discrimination based on "membership of a national minority"; Article I-2 of the Constitution, which refers to "human rights, including the rights of persons belonging to minorities" as one of the values on which "the Union is founded". The Constitution also states that the Union must "combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child" (Article I-3(3), subparagraph 2).

² OJ L 180, 19.7.2000, p. 22.

³ OJ L 303, 2.12.2000, p. 16.

⁴ OJ L 269, 5.10.2002, p. 15.

- having regard to the Commission Green Paper on equality and non-discrimination in an enlarged European Union (COM(2004)0379) and to the annual and thematic reports adopted by the European Monitoring Centre on Racism and Xenophobia (EUMC),
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Employment and Social Affairs, the Committee on Culture, Youth, Education, the Media and Sport and the Committee on Women's Rights and Equal Opportunities (A6-0140/2005),
- A. bearing in mind that there is a difference between the protection of minorities and anti-discrimination policies; noting that equal treatment is a basic right, not a privilege, of all citizens, and tolerance should be a general attitude in life, not a favour granted to some and not to others; considering, therefore, that all forms of discrimination must be fought with equal intensity; recalling that national minorities contribute to the richness of Europe,

The political dimension and the urgent need for anti-discrimination policies and minority protection

1. Considers that it is of primary importance to the enlarged Union of 25 Member States and 450 million inhabitants:
 - to reinforce the links between the Union's peoples and the project that it represents, while at the same time strengthening the sense of belonging to the European Union and the recognition of each person's own history, culture, identity and distinctiveness,
 - to make action and the exercise of power more coherent at local, regional, national and EU level, in line with the principle of subsidiarity,
 - to implement the existing legislation in good time and hence transpose the directives in the area;
 - to respect the principle of confidence as referred to its resolution of 20 April 2004 on the Commission Communication on Article 7 of the Treaty on European Union: Respect for and promotion of the values on which the Union is based¹;
2. Recalls that, pursuant to Article 191 TEC, political parties at European level are important as a factor for integration within the Union; is concerned, therefore, at the growing public acceptance of profoundly racist, anti-semitic, islamophobic and homophobic statements and actions by prominent politicians and Members of government; calls on all political parties to renew their commitment to the Charter of European political parties for a non-racist society, adopted on 5 December 1997, and therefore stresses that the fundamental prerequisites of the political parties for an inclusive minority policy are:
 - the need for adequate representation in political decision making,

¹ Texts Adopted, P5_TA(2004)0309.

- the need to safeguard equal treatment of minorities with regard to education, healthcare, social services, justice and other public services;

-the need for the European Parliament to take into account the cultural and linguistic diversity of the EU and its Member States (as the seats per Member State will decrease with every subsequent enlargement);

3. Takes note of the fact that, in general, minority issues in the Union have not been high enough on the agenda of the Union and now need to be given greater attention, in order to strengthen the effectiveness of the measures taken by the public authorities in this domain; considers that, in this context, the future Fundamental Rights Agency must play a key role;
4. Points out that recent and future enlargements have led and will lead to a greater number of Member States characterised by cultural and linguistic diversity; believes, therefore, that the EU has a particular responsibility in safeguarding the rights of minorities;
5. Emphasises the fact that minority rights are an integral part of basic human rights, and considers it necessary to draw a clear distinction between (national) minorities, immigrants and asylum seekers;
6. Urges the Commission to establish a policy standard for the protection of national minorities, having due regard to Article 4(2) of the Framework Convention for the Protection of National Minorities (FCNM): "The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities";
7. Points out the inconsistency of policy toward minorities - while protection of minorities is a part of the Copenhagen criteria, there is no standard for minority rights in Community policy nor is there a Community understanding of who can be considered a member of a minority; notes that nor is there a definition of minorities in the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, or in the FCNM; recommends that such a definition should be based on the definition, laid down in Council of Europe Recommendation 1201(1993), of a "national minority" as groups of persons in a state who:

- reside on the territory of that state

- maintain longstanding, firm and lasting ties with that state,

- display distinctive ethnic, cultural, religious or linguistic characteristics,

- are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state,

- are motivated by a concern to preserve together that which constitutes their

common identity, including their culture, their tradition, their religion or their language;

8. Considers that, as is clear from the situations outlined above:

- no single solution exists for improving the situation of minorities in all the Member States,
- some common and minimum objectives for public authorities in the EU should be developed, taking account of past experience, in particular the best practices and the social dialogue underway in many Member States, and on the basis of the implementation of the UN International Covenant on Civil and Political Rights, the UN International Convention on the Elimination of All Forms of Racial Discrimination and the Conventions of the Council of Europe, such as the FCNM, the European Charter for Regional or Minority Languages and Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms; recalls also the implementation of the principles developed in the framework of the OSCE, in particular the Lund recommendations on effective participation of national minorities in public life, the recommendations of The Hague regarding the education rights of national minorities and the Oslo recommendations regarding the linguistic rights of national minorities,

9. Notes that the Commission has already taken these standards into account in the context of the Copenhagen criteria¹ during the accession negotiations with the countries of Central and Eastern Europe, Cyprus and Malta and with the current accession and candidate countries;

10. Points to the fact that, in implementing a policy of protecting minorities and of anti-discrimination, the Union must not seek to question the legal and constitutional structure of its Member States or the principle that all are equal before the law;

The shortcomings in the Member States' responses to the measures based on Article 13 TEC

11. Notes with concern the unsatisfactory state of implementation of anti-discrimination policies; urges all Member States in particular to step up the implementation of anti-discrimination policies, in particular with regard to Directive 2000/43/EC and Directive 2000/78/EC, and urges the Commission to include as one of the objectives of the 2007 European Year of Equal Opportunities for All the need to find an adequate solution to the problems relating to:

- late or incomplete transposition by Member States²,

¹ One of the three Copenhagen criteria concerns being a stable democracy, the rule of law, human rights and respect for and protection of minorities.

² Infringement procedures against a number of Member States have already been launched by the Commission for failing to communicate national measures transposing Directives 2000/43/EC and 2000/78/EC. Further

- the failure to set up equality bodies¹,
 - the failure to secure adequate provisions on legal standing for NGOs,
 - training and capacity-building, which are of the utmost importance in order for anti-discrimination legislation to be effective (there is a clear need to provide training to judges, lawyers, NGO in-house lawyers, etc. on the key provisions and concepts, such as the definitions of direct and indirect discrimination, burden of proof, etc.),
 - dissemination of information and the launching of an awareness-raising campaign, as the Directives require Member States to inform people about the provisions of anti-discrimination law (the involvement of NGOs and the social partners is essential for greater awareness raising and in order to ensure that information about the opportunities offered by the Directives is disseminated to potential victims of discrimination);
12. Notes the importance of developing mechanisms to collect data on racial discrimination in line with data protection legislation as an effective means of identifying, monitoring and reviewing policies and practices to combat racial discrimination and promote racial equality;
 13. Notes that, in many instances, Community law is implemented to only a limited extent, which is mainly due to ignorance of social structures and mistrust and doubt on the part of citizens; considers that Member States should encourage, on the basis of legislation, collective agreements or practice, public and private sector employers to promote programmatically and systematically the principle of equality and non-discrimination at the workplace and in working conditions, access to employment, career development, pay and vocational training;
 14. (Advocates an integrated approach to equality and non-discrimination, the combating and erosion of unequal income distribution,(am. 17 Matsouka) and the mainstreaming of these concepts in relevant EU policies; considers that the objective is to ensure that Member States deal effectively and appropriately with the increasing diversity of their societies;
 15. Welcomes the feasibility study proposed in the abovementioned Green Paper, as an important step towards common standards of protection across the EU, and advocates further EU legislation prohibiting discrimination and promoting equality in the provision of goods and services, on the grounds of disability, religion, sexual orientation and age;
 16. Considers that, in the context of globalisation, where economic activity is not restricted geographically and movements of capital and labour have assumed unprecedented proportions, equality and the elimination of discrimination cannot be tackled from a

infringement procedures for "non-conformity" (incomplete or incorrect transposition) are expected to be launched soon.

¹ The Commission is concerned at the failure to establish functioning equality bodies, as required by Directive 2000/43/EC, in a number of Member States. Where such bodies have been established, there are also concerns, in some cases, relating to their independence and capacity to operate effectively.

‘European standpoint’ alone; points out that the glut of products on world markets is often the result of the overexploitation of labour (which leads to illegal immigration) and that the more developed regions (USA, EU) ‘import’ human scientific resources from the less developed South, making it impossible to overcome ‘underdevelopment’;

17. Considers that, as a priority, the Union should, in agreement with its Member States and using existing legal bases, favour a coherent policy of integration through the adoption of legislative measures and the provision of financial support;
18. Notes that, as is stated in the Hague Programme, obstacles to the integration of third-country nationals need to be eliminated, and calls for greater coordination of national integration policies and EU initiatives in this field; common basic principles for a coherent European framework for integration should include the fact that integration:

- is a continuous two-way process involving both legally resident third-country nationals and the host society,

- includes, but goes beyond, anti-discrimination policy,

- implies respect for the basic values of the European Union and fundamental human rights,

- requires basic skills for participation in society,

- relies on frequent interaction and intercultural dialogue between all members of society within common forums and activities in order to improve mutual understanding,

- extends to a variety of policy areas, including employment and education;

agrees with the European Council that it is necessary to promote the structured exchange of experience and information on integration;

Minorities discriminated against on multiple grounds, including race, ethnic origin, sexual orientation, religion, disability and age

19. Welcomes the commitments made in the Commission communication on Equal opportunities for people with disabilities: a European action plan (COM(2003)0650), which provides the follow-up to the European Year of People with Disabilities 2003, and welcomes in particular the Commission's adoption of a European Action Plan for people with disabilities; calls for a strengthening of the Action Plan's objectives and tools, with the aim of integrating the principles of disability mainstreaming, non-discrimination and accessibility into EU initiatives, in particular legislative initiatives;

20. Warns against the possible discriminatory side-effects of measures against crime and terrorism, as there is evidence that ethnic minorities are five to six times more likely to be the target of police action, identity checks, etc;

21. Calls on the institutions of the European Union, the Member States, all European democratic political parties and civil society and associations belonging thereto, to:
- condemn all acts and expressions of anti-semitism and anti-Muslim behaviour, the revival of holocaust denial theories, the denial and trivialisation of genocides, crimes against humanity and war crimes,
 - condemn all acts of intolerance and incitement to racial hatred and all acts of harassment or racist violence,
 - condemn all acts of violence motivated by religious or racial hatred or intolerance, including attacks on all religious places, sites and shrines,
 - condemn all acts of homophobic or transphobic violence, including harassment, humiliation and verbal or physical abuse, by both the state and private individuals¹;
 - condemn the fact that discrimination on religious and ethnic grounds continues at various levels, notwithstanding the important measures adopted by the European Union in application of Article 13 of the EC Treaty; draws particular attention in this respect to discrimination by the judiciary of people from minorities;
22. Reiterates the fact that discrimination on grounds of religion is prohibited; calls on the Member States and the accession and candidate countries to ensure full religious freedom and equal rights for all religions; reiterates, however, the fact that freedom of religion does not justify discrimination, for example in the field of education;
23. Takes note of the continued prejudice and homophobia that continue to permeate the public sphere and calls on the Union to maintain pressure on all Member States to comply with international and European human rights standards;
24. Feels that there is a need for action against growing homophobia; notes with concern increasing violence against homosexuals, for example bullying in schools and at the work place, the making of hate-filled comments by religious and political leaders, reduced access to health care (for example exclusion from insurance, reduced availability of organs for transplantation) and reduced access to the labour market; calls on the Commission to come forward with a communication on obstacles to free movement in the EU for married or legally recognised gay couples;
25. Notes that the burgeoning unemployment and poverty observed in recent years at the heart of European societies have given rise to a specific situation characterised by inequality and discrimination;
26. Notes the high rates of unemployment amongst the elderly and disabled owing to the greater difficulties they experience in gaining access to training programmes and new job opportunities;

¹ Examples of homophobic hate crimes include the nail bomb in London (1999), the attacks on LGBT Pride Marches in Poland and Bosnia (2004) and the fierce attack on Sebastien Nouchet, who was burnt alive in his hometown in France (2004).

27. Calls on the social partners to make a substantial effort to eliminate discrimination on grounds of disability or age, and ensure radically improved access to the labour market;
28. Is convinced that these efforts should also include the promotion of dialogue and cooperation between the various segments of society at the local and national levels, including dialogue and cooperation between different ethnic, linguistic and religious groups; urges Member States to involve and consult stakeholders when drawing up anti-discrimination laws;
29. Urges the Council and the Commission, and the various levels of local, regional and national government in the Member States, to coordinate their measures to combat all forms of discrimination including anti-semitism, islamophobic/anti-Muslim or anti-Roma behaviour, Romaphobia and Islamophobia and attacks on minority groups, including Roma, third-country nationals and stateless persons, in order to uphold the principles of tolerance and non-discrimination and to promote the social, economic and political integration of all those residing in the Union;
30. Urges Member States to do their utmost to ensure the effective integration into education systems of the children of refugees, asylum-seekers and immigrants;

Discrimination on grounds of gender

31. Points to the fact that women continue to suffer discrimination in various areas of everyday life, in spite of the legislation in force on combating discrimination;
32. Is deeply disappointed to note that, after a quarter of a century of equal treatment policies, the gender pay gap has hardly closed at all; calls on the Commission to report on the state of play of the pay gap in each Member State before the end of 2005;
33. Points out that, although progress has been made on women's employment and despite their high level of education, women continue to be paid less than men for the same work and to be regarded with suspicion by employers owing to pregnancy and maternity; points also to the cases of sexual harassment where women find it difficult to make a complaint for fear of being publicly humiliated or dismissed;
34. Underlines the importance of focusing on the aspect of gender in relation to all groups that suffer from discrimination, since the women in these groups often face special problems;
35. Calls on the EU and the Member States to develop a methodology for examining the interaction of ethnicity and gender and identifying forms of multiple discrimination and their effect on women and girls, so that this methodology may serve as the basis on which legal instruments, policies and programmes are designed and implemented;
36. Draws attention to the multiple discrimination of women who belong to national minorities (especially to Roma/Sinti minority) or who are migrants, on account of which

a coherent policy approach is required;

37. Calls on the Member States and the Commission to pay particular attention to women members of national or religious minorities as they are frequently victims of discrimination not only by the majority of the population but also by members of their own minority; considers that Member States should take action and measures for the protection of those women's rights; such measures could include providing, on a continuous basis, information to women members of minorities about the rights guaranteed in Community and national law for everyone and especially women;

The Roma community

38. Considers that this community needs special protection since, with the enlargement of the Union, it is one of the largest minorities in the EU and, as a community, it has been historically marginalised and prevented from developing in certain key areas and notes that Roma culture, history and languages are often neglected or denigrated;
39. Notes that Roma face racial segregation in education and the risk of being placed incorrectly in schools for the mentally disabled, are discriminated against in the provision of housing, health care and public services, suffer high rates of unemployment, often have their rights denied by public authorities and are politically under-represented;
40. Welcomes the publication of the abovementioned Green paper, which addresses the problems faced by the Roma in an enlarged EU, the organisation of a workshop for national authorities on how to use the Structural Funds to assist Roma and other disadvantaged groups and the launch of a specific Commission internship scheme for members of the Roma community; considers, however, that the most manifest disadvantages could also be addressed by:
- the implementation of joint integration projects between the Member States where members of this community live, in order to solve, within ten years, the most manifest disadvantages faced by the Roma,
 - promoting common projects financed out of the European Regional and Development Fund,
 - promoting knowledge of the language of the countries where members of this community live and supporting the preservation of Roma languages and cultural heritage, as a way of strengthening their own culture and self-image,
 - improving access to employment, housing, social services and pension schemes;

New and settled immigrants

41. Considers that recent immigrants may experience specific kinds of discrimination, which will differ in some respects from the discrimination faced by settled ethnic-minority EU citizens of the second, third and fourth generations of immigrants;

42. Considers it important to distinguish between minorities of recent immigrant origin and those traditional national and ethnic minorities who are indigenous to the territory in which they live;
43. Considers that the most urgent need of minorities of immigrant origin is to integrate into society as soon as possible, including through Member States simplifying further the naturalisation procedure while ensuring that integration does not become unwanted assimilation or undermine the group identity of persons living on their territory; considers that it is equally important to avoid problems stemming from the various national laws on access to citizenship;

Linguistic minorities

44. Considers that particular attention should be devoted to groups of people belonging to linguistic minorities, and calls on the Commission and the Member States to treat them in accordance with the principles laid down in the European Charter on Regional or Minority Languages, the FCNM and the abovementioned Hague and Lund recommendations;

Traditional or ethnic minorities living on the territory of a Member State

45. Considers that effective participation in decision-making based on the principles of subsidiarity and self-governance is one of the most effective ways of handling the problems of traditional minority communities, following the best practices existing within the Union; encourages the Member States that have yet to ratify the FCNM to do so without further delay;
46. Considers that traditional national minority communities have specific needs different from other minority groups, that public policies should be more focused and that the Union itself must address these needs in a more appropriate way, as, with enlargement, there is now a significant number of such communities in the Union;

Stateless persons permanently residing in the Member States

47. Considers that persons who do not possess the citizenship of any state and who reside permanently in the Member States face a unique situation in the EU, and calls on the Member States and the Commission to take measures in order to align their rights (in particular the right to vote in local elections and the Community right to free movement) with those of EU citizens;
48. Calls on the Member States to apply the principle of effective participation of national minorities in public life as set out in Article 15 of the FCNM and in the Lund recommendations with regard to the communities of stateless persons living on their territory, as the key to their integration, and to simplify and speed up the naturalisation procedures in order to extend EU citizenship to the majority of those who do not yet possess it as soon as possible;

49. Calls on the Commission to consider extending the mandate of the working group on Roma and the Structural Funds to the stateless persons' communities of the Member States, or to create a special working group to address their situation;

Legislative measures to be taken before the entry into force of the Constitutional Treaty

50. Congratulates the Commission for its work on Article 13 and urges it to continue to implement a coherent general strategy on the problems facing minorities in the Union, by continuing to enforce existing anti-discrimination legislation and considering possible further action based on the following Treaty Articles:
- (a) Article 13 on anti-discrimination policy; using this legal basis, which is the most far reaching as regards the protection of minorities, the Union could, on the basis of its experience, develop the following initiatives that have already been implemented and strengthen various articles of the FCNM, such as Article 3(1), Article 4(2) and (3) and Articles 6 and 8 thereof,
 - (b) Article 18 TEC, which deals with freedom of movement and the right of residence, could serve as a strong basis for facilitating the movement of people belonging to minorities, thereby avoiding their isolation, the creation of new "ghettos" or forced assimilation,
 - (c) Articles 49, 95 and 151 TEC could provide a strong foundation in the Union for safeguarding the principles enshrined in Article 9 of the FCNM, such as freedom of expression or the right not to be discriminated against in access to the media,
 - (d) Articles 65 TEC and 31 TEU, which deal with judicial cooperation and assistance and cover ground similar to Article 10(3) of the FCNM, are of the utmost importance for any member of a minority seeking assistance, whether in civil or criminal proceedings,
 - (e) Article 62 TEC, which deals with migration policy, which remains incomplete six years after the entry into force of the Treaty of Amsterdam (consideration must be given to the need for legal migrants to be integrated into society),
 - (f) Points (g), (h), (i) and (j) of Article 137(1), which deal with the employment of third-country nationals, the integration of persons excluded from the job market and combating social exclusion, would be a strong basis for new initiatives focusing on minorities,
 - (g) Article 149 TEC on improving access to education could contribute, through education, to furthering the integration of minorities into society, as provided for in Article 12 and 14 of the FCNM,
 - (h) Articles 151 and 163 TEC, which deal with culture and research, could be of importance for developing common programmes for minorities in these areas (as provided for in Article 12 of the FCNM);
51. Calls upon the Council to move towards agreement on the Commission's proposal for a

Council Framework Decision on combating racism and xenophobia¹; considers that the Framework Decision will be an important step towards establishing a framework for punishing racist/xenophobic violence as a criminal offence across the EU and recognising racist and xenophobic motivation as aggravating circumstances, leading to longer sentences; recalls its position of 4 July 2002², which was favourable to the proposal; welcomes the decision of the Justice and Home Affairs Council on 24 February 2005 to reconsider the previously stalled Framework Decision;

Future economic and financial measures

52. Considers that the Union should complement the action of the Member States at local, regional and national level with adequate financing:
- by elaborating a comprehensive strategy to combat minority discrimination with the help of the Structural Funds, the Cohesion Fund, the European Social Fund (ESF) and the Equal Community Initiative in particular,
 - by establishing new pilot projects and solidarity networks on the basis of the Treaty Articles referred to in paragraph 50 and appropriate initiatives with the third countries whence came the minorities;
 - by incorporating a non-discrimination thread throughout the Structural Funds, and in particular the ESF, and by actively promoting the ESF as an instrument to implement Directives 2000/78/EC and 2000/43/EC,
 - by re-inserting funding for transnational initiatives in the field of non-discrimination and social inclusion into the proposal establishing the PROGRESS programme (COM(2004)0488),
 - by making it easier for non-government organisations representing the interests of persons to whom the grounds covered by Article 13 TEC are relevant to benefit from the Structural Funds and in particular the ESF;

urges, in this context, the Member States to delegate some of their decision-making powers over the Structural Funds to regional and local authorities, in line with the Union's decentralisation policy;

Implementing measures and feedback mechanism

53. Welcomes the recent initiatives taken by the Commission in this field, namely:
- the establishment by the President of the Commission of a Group of Commissioners for Fundamental Rights, which must play a crucial role in contributing to the protection of minorities and non-discrimination,
 - the establishment of an inter-service group bringing together representatives of 14

¹ OJ C 75 E, 26.3.2002, p. 269.

² OJ C 271 E, 12.11.2003, p. 558.

different Commission services;

54. Calls for data to be collected on direct and indirect discrimination (i.e. the percentage of people belonging to national minorities among those living at risk of poverty and among the employed and unemployed, their level of education, etc.) so as to ensure proper feedback on the effectiveness of Member State anti-discrimination and minority-protection policies;
55. Calls on Member States to integrate a gender dimension into their Action Plan for the elimination of racism, racial discrimination, xenophobia and related intolerance and in particular to develop gender-sensitive and gender-specific guidelines and indicators and use sex-disaggregated data at all levels;
56. Urges the establishment of specific units within the law enforcement agencies of the Member States and accession and candidate countries to counter incidents of racially motivated offences and the activities of racist groups; these units should set up systems to monitor, classify, record and follow up racist incidents brought to their attention; recommends the further development of guidelines for the collection of data on racist incidents by the EUMC in accordance with data protection safeguards and in tandem with law enforcement agencies such as the police and public prosecution services; encourages the development of alternative mechanisms to collect data such as racist crime surveys;
57. Calls on Member States to ensure that staff providing public services and counselling are aware of the particular issues facing ethnic minority and migrant women and that this staff receives anti-racism training which includes a gender-sensitive perspective;
58. Reaffirms its conviction that remembrance and education are vital components of the effort to make intolerance, discrimination and racism a thing of the past, and urges the Council, Commission and Member States to strengthen the fight against all forms of discrimination by:
 - developing the capacity to prevent and address discrimination effectively, in particular by strengthening organisations' means of action and through support for the exchange of information and good practice and networking at European level, while taking into account the specific characteristics of the various forms of discrimination;
 - promoting and disseminating the values and practices underlying the fight against discrimination, including through the use of and support for awareness-raising campaigns, since it considers that preventing discrimination is as important as combating it;
 - encouraging the training of teachers in such a way as to make it easier for them to teach in school both the need to combat racism, anti-semitism and intolerance, and recognise the benefits of cultural diversity, in particular those resulting from immigration;
59. Calls on Member States to introduce legal protection against discrimination, including positive measures taking into account the gender dimension, on the grounds covered

by Article 13 of the EC Treaty;

60. Is convinced that, in line with the subsidiarity principle, there should be close cooperation between representatives of minorities and local, regional, national and European institutions; considers that such cooperation should be based on:
- clear benchmarking, so as to make it possible to check whether the action taken complies with the standards previously defined,
 - the open method of coordination, bringing together various Member States' authorities and representatives from the European institutions and exchanging good practice;
61. Taking into account Articles 262 and 265 TEC, asks respectively the Committee of the Regions and European Economic and Social Committee to deliver their opinion on the issues of minority protection and anti-discrimination policies raised by this resolution; encourages the two Committees to deliver such an opinion by mid 2006, and to focus on the specific role that could be played by the regional or local authorities and the various economic and social components of organised civil society;
62. Considers it of the utmost importance for the Fundamental Rights Agency to become a useful tool of cooperation with the European Institutions, in close coordination with national institutions dealing with fundamental rights; believes that the Agency should also monitor the impact of the policies outlined in this resolution and should report regularly to the European Parliament and national parliaments;
63. Invites the Commission to begin to review the application of Directives 2000/43/EC and 2000/78/EC, with the aim of strengthening European Union anti-discrimination measures, and to organise a major conference involving all the actors concerned, in particular political representatives and representatives of public institutions at national, regional and local level and of NGOs and associations active in this field;
64. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States and of the accession and candidate countries, the European Economic and Social Committee and the Committee of the Regions.

20.4.2005

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the protection of minorities and anti-discrimination policies in an enlarged Europe
(2005/2008(INI))

Draftsperson: Maria Matsouka

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Considers that the comprehensive legislative work of the Union's institutions is not sufficient in itself to tackle the root of the problem of inequality and to combat the discrimination faced by European citizens and foreign workers; believes that unemployment, poverty and the ageing of Europe's population may lead to a particular kind of social conflict, with cultural characteristics, between national and foreign workers and immigrants and young and elderly workers; Considers that that European legislation in favour of the principle of equality and against discrimination depends to a great extent on the commitment of national authorities to take suitable measures and evaluate the results; considers that in order to promote equality and non-discrimination in Europe it is also necessary to ensure that the public is informed as completely as possible of the active support and participation of civil society and the provision of additional support through the taking of non-legislative measures;
2. Points out that, although progress has been made on women's employment and despite their high level of education, women continue to be paid less than men for the same work and to be regarded with suspicion by employers owing to pregnancy and maternity; points also to the cases of sexual harassment where women find it difficult to make a complaint for fear of being publicly humiliated or dismissed;

3. Notes the high rates of unemployment of elderly and disabled workers owing to the greater difficulty they experience in gaining access to training programmes and new job opportunities;
4. Draws attention to the need to fully implement the Framework Employment Directive (Council Directive 2000/78/EC), which outlaws discrimination in the workplace on grounds of disability, age, religion and sexual orientation;
5. Notes that, in many instances, European Union law and directives are implemented to only a limited extent, which is mainly due to ignorance of social structures, mistrust and doubt on the part of citizens; Considers that Member States should encourage, on the basis of legislation, collective agreements or practice, public and private sector employers to promote programmatically and systematically, the principle of equality and non-discrimination at the workplace and in working conditions, in access to employment, career development, pay and vocational training;
6. Considers that, in the context of globalisation, where economic activity is not restricted geographically and movements of capital and labour have assumed unprecedented proportions, equality and the elimination of discrimination cannot be tackled from a 'European standpoint'; points out that the glut of products on world markets is often the result of the overexploitation of labour (which leads to illegal immigration) and that the more developed regions (USA, EU) 'import' human scientific resources from the less developed South, making it impossible to overcome 'underdevelopment';
7. Draws attention to the subject of national minorities, with particular regard to the 7-9 million Roma living in the European Union who are subject to multiple discrimination;
8. Notes, finally, that a particular situation characterised by inequality and discrimination has arisen as a result of the burgeoning unemployment and poverty observed in recent years at the heart of European societies.

PROCEDURE

Title	Protection of minorities and anti-discrimination policies in an enlarged Europe
Procedure number	2005/2008(INI)
Committee responsible	LIBE
Committee asked for its opinion Date announced in plenary	EMPL 24.2.2005
Enhanced cooperation	-
Draftsperson Date appointed	Maria Matsouka 11.10.2004
Discussed in committee	15.3.2005 19.4.2005
Date suggestions adopted	20.4.2005
Result of final vote	for: 23 against: 0 abstentions: 0
Members present for the final vote	Jan Andersson, Emine Bozkurt, Ole Christensen, Jean Louis Cottigny, Ilda Figueiredo, Joel Hasse Ferreira, Stephen Hughes, Sepp Kusstatscher, Jean Lambert, Raymond Langendries, Bernard Lehideux, Thomas Mann, Maria Matsouka, Ria Oomen-Ruijten, Csaba Öry, Marie Panayotopoulos-Cassiotou, Jacek Protasiewicz, José Albino Silva Peneda, Anne Van Lancker.
Substitutes present for the final vote	Udo Bullmann, Elisabeth Schroedter, Marc Tarabella, Patrizia Toia.
Substitutes under Rule 178(2) present for the final vote	-

21.4.2005

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Civil Liberties, Justice and Home Affairs

on Protection of minorities and anti-discrimination policies in an enlarged Europe
(2005/2008(INI))

Draftsman: Miguel Portas

SUGGESTIONS

The Committee on Culture and Education calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

Charter of Fundamental Rights, Article 14 (Education)

1. Urges Member States to do their utmost to ensure the effective integration in education systems of the children of refugees, asylum-seekers and immigrants;

Charter of Fundamental Rights, Article 22 (Respect for cultural, religious and linguistic diversity)

2. Calls on France to sign the Council of Europe Framework Convention for the Protection of National Minorities; urges Belgium, Greece, Latvia, Luxembourg and the Netherlands to ratify the Convention;
3. Calls on Belgium, Estonia, Greece, Ireland, Latvia, Lithuania and Portugal to sign the European Charter for Regional or Minority Languages; urges the Czech Republic, France, Italy, Luxembourg, Malta and Poland to ratify it;
4. Urges Member States to continue their efforts to improve the situation of the Roma/ Sinti minorities by acting against discrimination in employment and housing and by taking account of the particular educational requirements of Roma/Sinti children.

PROCEDURE

Title	Protection of minorities and anti-discrimination policies in an enlarged Europe
Procedure number	2005/2008(INI)
Committee responsible	LIBE
Committee asked for its opinion Date announced in plenary	CULT 24.2.2005
Enhanced cooperation	No
Drafts(wo)man Date appointed	Miguel Portas 1.2.2005
Discussed in committee	14.3.2005 21.4.2005
Date suggestions adopted	21.4.2005
Result of final vote	for: 31 against: 0 abstentions: 1
Members present for the final vote	María Badia i Cutchet, Christopher Beazley, Giovanni Berlinguer, Guy Bono, Marie-Hélène Descamps, Jolanta Dićkutė, Věra Flasarová, Milan Gaľa, Claire Gibault, Vasco Graça Moura, Lissy Gröner, Luis Francisco Herrero-Tejedor, Ruth Hieronymi, Manolis Mavrommatis, Marianne Mikko, Zdzisław Zbigniew Podkański, Miguel Portas, Christa Prets, Karin Resetarits, Nikolaos Sifunakis, Helga Trüpel, Henri Weber, Thomas Wise, Tomáš Zatloukal
Substitutes present for the final vote	Ivo Belet, Michael Cramer, András Gyürk, Małgorzata Handzlik, Gyula Hegyi, Ignasi Guardans Cambó, Nina Škottová, Witold Tomczak
Substitutes under Rule 178(2) present for the final vote	

20.4.2005

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Civil Liberties, Justice and Home Affairs

on the protection of minorities and anti- discrimination policies in an enlarged Europe
(2005/2008(INI))

Draftswoman: Edit Bauer

SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- having regard to Article I-14 of the Treaty establishing a Constitution for Europe, which sets out the areas of shared competence, one of which is the area of freedom, security and justice,
 - having regard to Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation and Equal Treatment Amendment Directive 2002/73/EC,
- A. whereas there is a difference between protection of minorities and anti-discrimination policy,

As regards the protection of national minorities:

1. Considers it necessary to draw a clear distinction between (national) minorities, immigrants and asylum seekers;
2. Emphasises the fact that minority rights are an integral part of basic human rights;
3. Calls on the Commission to establish a policy standard for the protection of national minorities;
4. Calls on the Member States and the Commission to give particular importance to women members of national or religious minorities as they are frequently victims of

discrimination not only by the majority of the population but also by members of their own minority; Member States should take action and measures for the protection of those women's rights; such measures could include providing, on a continuous basis, information to women members of minorities about the rights guaranteed in Community and national law for everyone and especially women;

As regards strengthening anti-discrimination policy:

5. Points to the fact that women continue to suffer discrimination in various areas of everyday life, in spite of the legislation in force on combating discrimination;
6. Considers that attention should also be paid to the particular problems faced by women immigrants trying to gain access to the labour market and consequently to integrate themselves into the host country;
7. Draws attention to the multiple forms of discrimination suffered by women belonging to national minorities (especially to the Roma/Sinti minority) or migrants, on account of which a coherent policy approach is required;
8. Calls on the EU and the Member States to develop a methodology for examining the interaction of ethnicity and gender and identifying the multiple forms of discrimination suffered by women and girls and their effect on them, so that this methodology may serve as the basis on which legal instruments, policies and programmes are designed and implemented;
9. Underlines the importance of focusing on the aspect of gender in relation to all groups that suffer from discrimination, since the women in these groups often face special problems;
10. Calls for data on direct and indirect discrimination to be collected (for example the percentage of persons/women belonging to minorities among those living at risk of poverty, those in employment and the unemployed, and the percentage in education, etc.) so as to ensure that there is proper feedback on the effectiveness of Member State anti-discrimination and minority-protection policies;
11. Calls on Member States to integrate a gender dimension into their Action Plan for the elimination of racism, racial discrimination, xenophobia and related intolerance and in particular to develop gender-sensitive and gender-specific guidelines and indicators and use sex-disaggregated data at all levels;
12. Calls on Member States to ensure that staff providing public services and counselling are aware of the particular issues facing ethnic minority and migrant women and that this staff receives anti-racism training which includes a gender-sensitive perspective;
13. Calls on Member States to introduce legal protection against discrimination, including positive measures and gender dimension on grounds covered by Article 13 of the EC Treaty.

PROCEDURE

Title	Protection of minorities and anti-discrimination policies in an enlarged Europe
Procedure number	2005/2008(INI)
Committee responsible	LIBE
Committee asked for its opinion Date announced in plenary	FEMM 24/2/2005
Enhanced cooperation	No
Draftsperson Date appointed	Edit Bauer 17.3.2005
Discussed in committee	20.4.2005
Date suggestions adopted	20.4.2005
Result of final vote	for: 18 against: 0 abstentions: 0
Members present for the final vote	Emine Bozkurt, Věra Flasarová, Zita Gurmai, María Esther Herranz García, Anneli Jäätteenmäki, Livia Járóka, Piia-Noora Kauppi, Urszula Krupa, Pia Elda Locatelli, Angelika Niebler, Doris Pack, Marie Panayotopoulos-Cassiotou, Teresa Riera Madurell, Amalia Sartori, Lydia Schenardi, Eva-Britt Svensson, Anna Záborská
Substitutes present for the final vote	Anna Hedh, Elisabeth Jeggle
Substitutes under Rule 178(2) present for the final vote	

PROCÉDURE

Titre	The protection of minorities and anti-discrimination policies in an enlarged Europe		
Numéro de procédure	2005/2008(INI)		
Base réglementaire	art. 45		
Commission compétente au fond Date de l'annonce en séance de l'autorisation	LIBE 24.2.2005		
Commission(s) saisie(s) pour avis Date de l'annonce en séance	EMPL 24.2.2005	CULT 24.2.2005	FEMM 24.2.2005
Avis non émis Date de la décision			
Coopération renforcée Date de l'annonce en séance			
Proposition(s) de résolution incluse(s) dans le rapport			
Rapporteur(s) Date de la nomination	Claude Moraes 25.11.2004		
Rapporteur(s) remplacé(s)			
Examen en commission	16.3.2005 26.4.2005		
Date de l'adoption	26.4.2005		
Résultat du vote final	pour: 33 contre: 14 abstentions: 1		
Membres présents au moment du vote final	Alexander Nuno Alvaro, Edit Bauer, Mario Borghesio, Mihael Brejc, Maria Carlshamre, Michael Cashman, Giusto Catania, Charlotte Cederschiöld, Fausto Correia, Rosa Díez González, Antoine Duquesne, Kinga Gál, Patrick Gaubert, Elly de Groen-Kouwenhoven, Livia Járóka, Timothy Kirkhope, Ewa Klamt, Magda Kósáné Kovács, Wolfgang Kreissl-Dörfler, Barbara Kudrycka, Romano Maria La Russa, Henrik Lax, Edith Mastenbroek, Claude Moraes, Hartmut Nassauer, Lapo Pistelli, Martine Roure, Michele Santoro, Inger Segelström, Frank Vanhecke, Ioannis Varvitsiotis, Tatjana Ždanoka		
Suppléants présents au moment du vote final	Panayiotis Demetriou, Koenraad Dillen, Jeanine Hennis-Plasschaert, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Antonio Masip Hidalgo, Jean Lambert, Vincent Peillon, Herbert Reul, Marie-Line Reynaud, Kyriacos Triantaphyllides, Rainer Wieland		
Suppléants (art. 178, par. 2) présents au moment du vote final	María del Pilar Ayuso González, Ģirts Valdis Kristovskis, Véronique Mathieu, Manolis Mavrommatis		
Date du dépôt – A6	10.5.2005 A6-0140/2005		